

The Complaint in this civil action was filed on September 8, 2010. By Order dated January 4, 2011 (Docket #40), the Court set this case for a bench trial on August 15, 2011. On July 14, 2011, Plaintiffs filed a Consent Motion (Docket #68) for continuance of the trial setting. On July 15, 2011, the Court granted the Motion (Docket #69) and continued the trial date to November 7, 2011.

On October 6, 2011, Plaintiffs filed an Agreed Motion (Docket #72) on behalf of the parties for a stay of all pre-trial deadlines pending the Court's disposition of the parties' summary judgment motions. That same day, the Court granted the parties' motion, ordering that "the pretrial deadlines are stayed pending further order of this court." (Docket #73.)

On October 19, 2011, the Court issued an Order (Docket #75) continuing trial from November 7, 2011 to February 6, 2012. It also issued a Pretrial Notice and Order (Document #74) reflecting this new trial date and establishing deadlines for tasks to be completed before trial – tasks that generally are required to be completed at least 21 days prior to trial, *i.e.* by January 16, 2012.

The parties' summary judgment motions remain pending before the Court. On October 20, 2011, the Court issued an Order (Docket #76) requesting additional briefing. The parties completed that briefing on November 21, 2011 (*see* Docket ##77-78).

II.

RELIEF REQUESTED

The parties respectfully request that the Court stay all pre-trial deadlines in this case pending further order of the Court. The situation today is much the same as it was when the parties filed, and the Court granted, the prior stay motion, as the Court's ruling on the pending

summary judgment motions may eliminate the need for a trial. The parties again note that on September 29, 2011, the Court granted summary judgment for defendants and entered Judgment in Civil Action No. 5:10-CV-140-C, *Jennings, et al v. Bureau of Alcohol, Tobacco, Firearms, and Explosives, et al*, which is a companion case to the instant lawsuit. The parties thus respectfully request that the Court stay all pre-trial deadlines in this case to preserve resources and avoid potentially unnecessary filings with the Court to prepare for the February 6, 2012 trial date.

This Motion is not brought for purposes of delay, but rather so that justice may be done.

Dated: January 5, 2012

Respectfully submitted,

s/ Fernando M. Bustos

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CERTIFICATE OF SERVICE

On January 5, 2012, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or *pro se* parties of record electronically or by another manner authorized by Federal rule of Civil Procedure 5 (b)(2).

s/ Charles J. Cooper
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